



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 24, 2022

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA /
Zoom (Hybrid)

1. ROLL CALL

Roll Call showed 11 present. C. Jenness (Zoom)

M. Chau presiding.

C. Mercier requested moment of silence in darkened chamber for Charles A. Maraganas and Mark Rosengard.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Drinkwater, seconded by C. Gitschier. So voted.

2.2. Presentation - Juneteenth Events.

In City Council, **Motion** "To accept and place on file" by C. Robinson, seconded by C. Scott. So voted. Member of the Black Lowell Coalition outlined various events that would be happening over the weekend. Organizers from the Afro American Community Collaborative commented on their upcoming event entitled "Perfecting Unity". M. Chau recognized the speakers and noted the events.



Motion to suspend rules to discuss Veteran's events by C. Mercier, seconded by C. Nuon. So voted. Eric LaMarche (Vet. Dept.) commented on program to honor Veterans and first responders who passed while on duty. Mr. LaMarche noted the banners that are part of the program and indicated that the program will grow throughout the years. C. Yem commented on the start of the program and the request by various Veterans. C. Gitschier commented on the honor bestowed upon his father. C. Robinson thanked all for their efforts in developing program. C. Yem recognized the McCabe family. C. Mercier noted the heroes displayed by the banners. M. Chau recognized the banners in the Chamber and requested that they remain during meeting. **Motion** "To accept and place on file" by C. Yem, seconded by C. Gitschier. So voted.

Motion C. Rourke, seconded by C. Nuon to take Item #7.8 out of order. So voted.

3. CITY CLERK

3.1. Minutes Of Neighborhoods SC Joint With Public Safety SC May 17th; City Council Regular Meeting May 17th, For Acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Leahy. So voted.

4. GENERAL PUBLIC HEARINGS

4.1. Ordinance - Amend Zoning Ext TTF Zone - 89 Agawam.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier seconded by C. Scott. Adopted by Roll Call vote 11 yeas. So voted.

4.2. Ordinance - Amend Fee Schedule - Custodial Fee.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Yem, seconded by C. Rourke. Adopted by Roll Call vote 11 yeas. So voted.

4.3. Ordinance - Create Position And Salary For Cadet - LPD.

In City Council, Given 2nd Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Leahy. Adopted by Roll Call vote 11 yeas. So voted. C. Scott questioned funding of the position. Acting Supt. Barry Golner (LPD) outlined the funding sources.

5. UTILITY PUBLIC HEARING

In City Council, none.

Motion to take Item #12.20 out of order by C. Robinson, seconded by C. Nuon. So voted.



6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Jenness. So voted.

A) Motion Response - Robinson School Dismissal – C. Robinson noted disappoint with School Department response and indicated they need to be more involved. Manager Golden, Jr. noted they are looking at all issues regarding after school incidents. Supt. Golner noted the new after school programming in the City.

B) Motion Response - School Street Retaining Wall – C. Yem requested update as deadlines have passed and no work has been done and from a safety perspective it needs to be done. Manager Golden, Jr. noted the association will be raising fees to cover costs and it needs to be made safe and there is a hard line for end of summer completion. C. Yem questioned if association fails to repair. Manager Golden, Jr. commented on legal proceedings to be done if not repaired. C. Nuon noted it was a long standing issue that needs to be resolved with no further delay for any reason and quick legal response if not done. Solicitor O'Connor commented on effort being done and short time left to complete. C. Robinson commented on establishing hard date to complete repairs. C. Leahy noted any repair needs to be a complete and final repair.

C) Motion Response - EV Infrastructure Bill Funding – C. Nuon commented on the grant opportunity. C. Jenness commented on the report which indicated the City was well positioned regarding the infrastructure.

D) Motion Response - Underground Railroad History Signage – C. Robinson noted the update and was pleased with progress towards established goals. C. Drinkwater noted efforts moving forward.

E) Motion Response - Dog Parks – M. Chau noted report and the issue with available area in the City but noted that the administration will work with what they have. C. Leahy noted current location will remain.

F) Motion Response - Cambodia Town Flags – C. Nuon recognized Rep. Mom for his efforts in getting earmark funding so work could be done in the area.

G) Motion Response - Four Way Stop Sign at 5th and Read – C. Robinson noted that there may be a need for another type of traffic calming measure if stop signs are not warranted. Christine McCall (DPD) noted that other measures may be used if stop signs are not.

H) Motion Response - Palmer Street Sidewalk Brick Repair – C. Jenness commented on the improvements and further work to be done. C. Gitschier recognized the DPW efforts as well as the replacement of the dead tree. Manager Golden, Jr. noted the tree replacement and informed body of possible new replacement program to protect the sidewalks. C. Gitschier noted trees improve downtown.



I) Motion Response - Traffic Lights at Varum Ave and VFW – C. Rourke noted the light needed to be reset. C. Rourke indicated that these types of motions and many others should not be filed in the manner that they are and better system should be used to be more efficient. Manager Golden, Jr. noted the use of resources regarding motion responses and he will develop better system.

J) Motion Response - Cemetery Work Garage Facility – C. Robinson commented on the work being done.

K) Motion Response - Citywide Pothole Repair – C. Leahy recognized the report. C. Gitschier noted vast improvement and commented on Chapter 90 funding and capital budget funding. C. Gitschier requested another letter from administration be sent regarding increase of Chapter 90 funding as there is a definite need.

L) Motion Response - First Street Lighting – C. Robinson noted residents would be pleased with the response.

M) Motion Response - Oakland Firehouse Repair – C. Leahy noted once pole is removed it will open up area for repairs. Mark Byrne (DPW) noted pole would be removed first and work would begin and last a few weeks.

N) Motion Response - Bulky Item Disposal – C. Nuon noted contract was coming up and should be reviewed. **Motion** by C. Nuon, seconded by C. Robinson to refer matter to Neighborhoods SC. So voted. C. Robinson noted the need to seek alternative modes of disposal.

Motion by C. Gitschier, seconded by C. Leahy to bundle Items #6.1(O) and #6.1(P). So voted.

O) Motion Response - Solid Waste Pick-Up Update - C. Gitschier noted that vendor is not being held to their contract and they should be as work is not getting done timely. Mr. Byrne noted efforts by the department regarding compliance with contract. C. Robinson noted possible use of compost for waste. Manager Golden, Jr. noted they must explore alternative avenues. C. Scott noted constant concern of residents and that the contract must be controlled.

P) Motion Response - Yard Waste Collection – See discussion under Item #6.1(O).

Q) Motion Response - Highland Ave and Powell Street Paving - M. Chau noted the report. C. Gitschier commented on prior options with Highland Avenue. Ting Chang (City Engineer) noted options would be provided through the neighborhood associations.

R) Motion Response - Beaver Street Bridge – C. Jenness commented on report and progress being made as well as the increased costs. Ms. Chang commented on costs and funding. C. Jenness questioned time frame. Ms. Chang outlined the time on the project. Manager Golden, Jr. noted that Chapter 90 funding will be used to fill funding



gaps. C. Robinson questioned time frame of work. Ms. Chang noted that scope of work is substantial. C. Leahy questioned if current technology is being used for bridge repairs.

6.2. Informational Reports

S) Informational - FY2023 Budget Presentation – Conor Baldwin (CFO) noted that the budget was on agenda to be referred to public hearing on June 7, 2022. Mr. Baldwin outlined highlights of the budget which included the amount, the calendar, the funds involved, financial challenges of which charter school reimbursement was the largest. Mr. Baldwin commented on the rising costs, fixed costs, sources of revenue and categories which are allocated. Manager Golden, Jr. recognized the efforts of the department and noted increase in taxes would be needed to get the City to accomplish all that has been outlined. Manager Golden, Jr. noted this is a hardship but results would warrant the increase. Manager Golden, Jr. stated that there will be an increase in quality of life in the City as inflation has an effect on everyone's daily life. C. Gitschier commented on the rising costs as well as budget busters like charter school reimbursement. C. Gitschier noted the need to train middle management regarding hiring and there are a number of unfilled positions which can be eliminated to substantiate increased in taxes. C. Yem noted the needs and the increased taxes and noted residents should see improvements and offered cost saving measures in order to accept these increases. C. Scott noted the number and amount of reoccurring costs in the budget. C. Robinson noted it was a balancing act and there is a need to do more with less. C. Robinson noted critical need to hire and retain employees. C. Drinkwater noted he would review the budget and that there is a bold choice for the body to make. C. Mercier noted it was realistic for taxes to rise and that is not what the body wants to do ever but it happens. C. Mercier noted some costs tie the hands of body. C. Nuon noted these are difficult financial times but the goal is to have a better quality of life based on tough decisions. C. Scott questioned if costs of new high school is included within this budget. Mr. Baldwin outlined funding plan for that construction. C. Rourke noted this was a pro-active approach to budget. C. Yem questioned what costs to homeowner would be with this increase. Manager Golden, Jr. noted those metrics are calculated with percentages. C. Yem recognized the difficulties in back staffing in departments. Manager Golden, Jr. commented on current employment situation and noted study being done. C. Mercier questioned how levy would be effected by increase. Manager Golden, Jr. noted City has a large levy capacity.

6.3. Communication - Planning Board Recommendation On Proposed Zoning Amendment To Rezone Parcels At 89 Agawam Street From TSF To TTF Zoning District.

In City Council, **Motion** "To accept and place on file" by C. Gitschier seconded by C. Nuon. So voted.

6.4. Communication - Resignation Of Anne-Marie (Sreypov) Porter From Council On Aging.



In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Yem. So voted.

Motion to bundle and waive second reading Items #7.1 to #7.5, inclusive, by C. Nuon, seconded by Rourke. So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Accept Timely Submission Of The Budget.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

7.2. Vote - Accept/Expend 200,000 MassDevelopment Cultural Facilities Fund (CCF) Capital Grant.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

7.3. Vote - Accept/Expend FY23 Earmarked Funds - 200,000 Cambodia Town Archway.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

7.4. Vote - Accept/Expend FY23 Earmarked Funds - 25,000 Downtown Lowell.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted.

7.5. Vote - Accept/Expend FY23 Earmarked Funds - 700,000 Centralville & Pawtucketville.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Leahy, seconded by C. Drinkwater. Adopted per Roll Call vote 11 yeas. So voted. C. Robinson noted the amount for investment in the neighborhood and the need for it. C. Rourke noted different areas that are to be improved and that projects need good management. Ms. McCall noted the many project benefited by the earmarks. C. Nuon noted earmarks were impressive.

Motion by C. Gitschier, seconded by C. Robinson to bundle Items # 7.6 to #7.7, inclusive, and #8.1 to #9.6, inclusive. So voted.

7.6. Vote - Endorse The 5 Year Capital Plan.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted. C. Gitschier commented on developing capital plan and that it had shortcomings in terms of estimated costs and



basic knowledge of process. Mr. Baldwin noted that project cost are accurate in accordance with loan order and these are always a work in progress. C. Rourke noted a few of the funded projects. Mr. Baldwin noted finances projects are ready to move forward. C. Robinson questioned purchase of equipment.

7.7. Vote - FY23 Appropriation Order.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted. C. Jenness abstained from vote due to a conflict.

7.8. Vote - Parking Passcard Agreement - ONE Riverfront LLC.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Robinson. Adopted per Roll Call vote 11 yeas. So voted. Registered speaker, Dave Daley, addressed the body. C. Scott recognized the investment in the City.

Motion by C. Yem, seconded by C. Drinkwater to take Item #12.13 out of order. So voted.

8. ORDERS FROM THE CITY MANAGER

8.1. Loan Order - Capital Plan Loan Order.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

8.2. Loan Order - Grand Manor Judgment.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted. C. Yem questioned payment of the judgement. City Solicitor O'Connor outlined process once judgement is received.

9. ORDINANCES FROM THE CITY MANAGER

9.1. Ordinance - Amend Sewer Rate FY23.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

9.2. Ordinance - Amend Water Rate FY23.

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

9.3. Ordinance - Create New Position (DPD - Energy Advocate).



In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

9.4. Ordinance - Create New Position (DPW - Facilities & Infrastructure Project Manager).

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

9.5. Ordinance - Create New Position (Fire - Assistant Chief).

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

9.6. Ordinance - Create New Position (HR - HR Generalist).

In City Council, Given 1st Reading, **Motion** to refer to Public Hearing on June 7, 2022 at 7 PM by C. Yem, seconded by C. Nuon. So voted.

10. REPORTS (SUB/COMMITTEE, IF ANY)

10.1. Economic/Downtown Development SC May 24, 2022.

In City Council C. Nuon noted the attendance and outlined discussion of regulations regarding home based businesses. C. Nuon noted adopted motions of the subcommittee that the Law Department amend ordinance to strike any limits on number of businesses allowed on lot under "as of right" section of the current ordinance. Ms. McCall commented on proposed changes. C. Yem questioned changes. **Motion** to accept the report as a report of progress and adopt motions by C. Robinson, seconded by C. Leahy. So voted.

11. PETITIONS

11.1. Claim - (1) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Drinkwater, seconded by C. Gitschier. So voted.

11.2. Misc. - Charles Kafasis Request Installation Of "No Parking From Here To Corner" Sign At Corner Of Mt. Vernon And Varney Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Leahy, seconded by C. Mercier. So voted.

11.3. Misc. - Pineapple Realty Trust, LLC (Atty. John Cox) Request Extending Light Industry Zone Into Residential Zone At 128 Maple Street.

In City Council, **Motion** to refer to Law Department for report and recommendation and draft ordinance by C. Robinson, seconded by C. Rourke. So voted. C. Scott noted



opposition in the neighborhood by supported moving forward as it was the best use of the property.

12. CITY COUNCIL - MOTIONS

12.1. C. Gitschier - Req. City Mgr. Have The Proper Department Update The City Council On The Timeframe Of Replacement Of The Gas Line At The End Of Marshall Avenue Between West Forest Street; Also Update On The Restoration Of The Natural Areas That Were Disturbed By The Construction Of The Gas Line, ie., Replacement Of The Trees And Natural Settings.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Rourke noted the many projects for gas lines in the City and requested schedule of them. C. Gitschier noted dissatisfaction with gas company and the condition that property in left after construction.

12.2. C. Gitschier - Req. City Mgr. Provide An Update To The Council Regarding LeLacheur Park.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke commented on recent tour and awaits information for UML regarding any possible partnership. Manager Golden, Jr. noted current discussions with UML and their administration.

12.3. C. Gitschier - Req. City Mgr. Provide The City Council With An Inventory Of City Owned Vehicles That Have A Purchase Price Of Over \$25,000; Include In The Report The Year, Make, Model, Age Expected Replacement Year And Projected Cost Of The Vehicle At The Time Of Purchase.

In City Council, seconded by C. Robinson, referred to City Manager. So voted.

12.4. C. Gitschier - Req. City Mgr. Update The City Council On The Plans For Maintenance Workers At Lowell High School.

In City Council, seconded by C. Nuon, referred to City Manager. So voted.

12.5. C. Robinson/C. Gitschier - Req. City Mgr. Address The Ongoing Issues With City Ball Field Maintenance.

In City Council, no second needed, referred to City Manager. So voted.

12.6. C. Robinson - Req. City Council Begin Discussions On Establishing A Fund Out Of The Mayor's Office That Will Allow The City Of Lowell To Make Contributions To Community Groups That Are Performing Flag Raisings, Community Celebrations And Dedications At City Hall.

In City Council, seconded by C. Mercier, referred to City Manager/Mayor. So voted. **Motion** by C. Robinson, seconded by C. Nuon to refer to Finance SC. So voted.



12.7. C. Robinson - Req. City Council Begin Discussions On Requesting From The Massachusetts Cannabis Control Commission To Be One Of The 12 Host Communities Allowed To Take Part In A 3 Year Pilot Program Allowing A Licensed Cannabis Café.

In City Council, seconded by C. Leahy, referred to City Manager. So voted.

12.8. C. Robinson - Req. City Mgr. Have Proper Department Look Into Updating Markings Or Any Other Possible Traffic Calming Measures In The Area Of Barker And Billings Streets.

In City Council, seconded by C. Gitschier referred to City Manager. So voted.

12.9. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update On Wall At McPherson Park.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted.

12.10. C. Robinson - Req. City Mgr. Have Proper Department Provide An Update Regarding VFW Project And If There Is Still Plans To Incorporate Trees For Sound Mitigation Measures.

In City Council, seconded by C. Yem, referred to City Manager. So voted.

12.11. C. Robinson - Req. City Mgr. Work With City And School Unions, The Public School Community, PTO Organizations And Volunteer Organizations To Put Together An “All Hands On Deck” Cosmetic Task Force With The Goal To Update Schools And Facilities Identified In Need Of Painting And/Or Cosmetic Upgrades Over Summer Break.

In City Council, seconded by C. Scott, referred to City Manager. So voted.

12.12. C. Yem/C. Robinson - Req. City Mgr. Have Proper Department Establish The City Youth Commission In Accordance With Massachusetts General Laws Chapter 40, Section 8E.

In City Council, no second needed, referred to City Manager. So voted.

12.13. C. Yem/C. Scott - Req. City Mgr. Have Appropriate Department Explore Installing A 4-Way Stop Sign At The Corner Of Suffolk And Broadway Streets, Along With Painting Pedestrian Crosswalk On Broadway Street.

In City Council, no second needed, referred to City Manager. So voted. Registered speakers, Milka Ferreras and Elizabeth Tiru, addressed the body. C. Yem commented on location and dangerous area that needs improvement. C. Gitschier noted residents' ongoing concerns. C. Mercier noted need for signage in the area.



12.14. C. Nuon/C. Yem - Req. City Mgr. Report On The Acquisition And Implementation Of Interpretation Services For City Council Meetings And Other Public City Meetings.

In City Council, no second needed, referred to City Manager. So voted.

12.15. C. Nuon/C. Jenness - Req. City Mgr. Report On Providing An Overview Of Various Programs And Services That Are Designed To Assist The City's Chronically Unhoused Population And Those In Danger Of Becoming Unhoused, Along With The Metrics By Which The City Determines The Effectiveness Of These Programs.

In City Council, no second needed, referred to City Manager. So voted.

12.16. C. Jenness/C. Robinson - Req. City Mgr. Have Law Department Investigate Drafting An Ordinance Prohibiting The Sale Of Gasoline At City Filling Stations To Unlicensed And/Or Unregistered Vehicles Unless They Are On A Trailer.

In City Council, no second needed, referred to City Manager. So voted.

12.17. C. Leahy - Req. City Mgr. Have Proper Department Inspect And Upgrade Crosswalks On Rogers Street In The Vicinity Of Rogers Hall.

In City Council, seconded by C. Gitschier, referred to City Manager. So voted.

12.18. C. Leahy - Req. City Mgr. Provide An Update Regarding Firehouse Water Heater Repairs.

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted.

12.19. M. Chau - Req. City Mgr. Have Law Department Draft A Resolution Recognizing African Unity Day In Lowell On May 25th.

In City Council, seconded by C. Yem, referred to City Manager. So voted.

12.20. M. Chau - Req. City Mgr. Have LPD Look Into Cut Through Traffic On Concord Street, From Church Street To Rogers Street, And Explore Possible Use Of Speed Bump.

In City Council, seconded by C. Leahy, referred to City Manager. So voted. C. Leahy noted need for speed bumps in the City. C. Robinson noted program should begin. Ms. McCall commented on grants from Shared Streets Program. C. Gitschier noted the need to address safety in front of City Hall and the blinking light at intersection. C. Leahy noted the blinking light had been discussed by prior Council.

13. ANNOUNCEMENTS



In City Council, none.

14. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Gitschier seconded by C. Robinson. So voted.

Meeting adjourned at 10:00 PM.

Michael Q. Geary, City Clerk